

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

vs.

BONNIE GARDNER,

Defendant.

)  
)  
)  
)  
)  
)

Criminal No. 09-00180-002

**HEARING ON** - PRETRIAL CONFERENCE

Before Judge Nora Barry Fischer

Brendan T. Conway, AUSA  
Gregory Melucci, AUSA  
Appear for USA

Martin A. Dietz, Esquire  
Appear for Defendant

Probation -

Hearing begun 5/7/13 at 10:30 a.m.

Hearing adjourned to N/A

Hearing concluded 5/7/13 at 11:50 a.m.

Stenographer : S. Hall  
Clerk: L.Sharkey

**WITNESSES:**

For Government

For Defendant

The Court held a final pretrial conference for this case, which is set for jury selection on May 8, 2013 at 9:30am and trial on Monday, May 13, 2013 at 9:00 a.m. Counsel and Defendant advised that they were prepared to proceed as scheduled. Counsel were directed to appear early for all proceedings (including 8:30 a.m. on all trial days) in the event that disputed issues must be argued before the trial day commences and to plan to address these matters during the jury's lunch breaks or at the end of the trial day, as appropriate. The Court addressed the following matters with counsel during today's conference:

1. Exhibits – The Government provided the Court with updated exhibit lists and a disc of exhibits. Defense counsel stated that he had no objections to any exhibits.
2. Witnesses – The parties have not exchanged witness lists. Counsel for both sides state there are no current problems with witness availability, beyond coordinating trial appearances. The Government stated that to the extent any witnesses had criminal histories, such information had been obtained and would be turned over to Defense counsel. The government advised the Court that one witness is handicapped.
3. Motions/Rule 404(b) –Counsel agreed that all disclosures required under the Pretrial Order had been made, to the extent known. Government's counsel advised that there may be an issue regarding Defendant's 2006 Tax Return. Defendant's counsel stated he would look into it and advise the Court.

4. Voir Dire/Initial Instructions – A draft of the individual voir dire and the initial instructions were previously circulated to the counsel by email. Neither party had any objections. The parties stated they had no objections to printing the initial instructions for the jurors.
5. Verdict Slip – A draft of the verdict form was previously circulated to the counsel by email. Neither party had any objections.
6. Final instructions –A draft of the instructions based on the parties' submission was circulated to counsel for their review. Neither party had any objections. A charge conference will be held during trial and the final instructions will be completed at that time
7. Prior Plea Offers – The Court conducted a colloquy with Defendant and heard the positions of counsel for both parties with respect to any prior plea agreement offers, of which there were no formal offers but did include a draft plea, which the defendant stated she rejected.
8. Sequestration of the witnesses was agreed upon.
9. The parties agreed the jury could use the entire indictment unredacted.

The parties did not request production of the transcript of today's proceeding and the transcript was not ordered at this time.